

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bill Lietzke,

Case No. 23-cv-3081 (WMW/DLM)

Plaintiff,

ORDER

v.

City of Birmingham, et al.; Patrick D.
Smith, Chief; and Greyhound Lines, Inc.,

Defendants.

Plaintiff Bill Lietzke alleges that, in 2018, he was assaulted by employees of Defendant Greyhound Lines, Inc. and then wrongfully arrested by officers of the City of Birmingham, Alabama. Lietzke lives in Alabama. Each of the Defendants is alleged to be domiciled in Alabama. And the events at issue in this lawsuit are alleged to have taken place entirely in the state of Alabama.

Under 28 U.S.C. § 1391(b),

[a] civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is

subject to the court's personal jurisdiction with respect to such action.

The United States District Court for the District of Minnesota is not a proper venue under Section 1391(b). None of the Defendants is alleged to reside in this District. Neither the events nor omissions are alleged to have occurred in this District. And there is no reason to believe that there is not a federal court situated elsewhere that would have personal jurisdiction over the Defendants.

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Lietzke has brought this same lawsuit in federal courts around the country, including repeatedly in the United States District Court for the Middle District of Alabama, the district where the events at issue are alleged to have occurred. *See, e.g., Lietzke v. City of Birmingham*, No. 4:19CV3093, 2019 WL 5391455, at *1-2 (D. Neb. Oct. 22, 2019) (summarizing Lietzke’s litigation history and dismissing matter for having been filed in improper venue). Transfer of this matter would serve no good purpose, as the lawsuit is almost certainly precluded by the dismissal of one of Lietzke’s prior lawsuits. *See id.* at *2 (“[T]he court takes judicial notice of the fact that the U.S. District Court for the Middle District of Alabama dismissed a nearly identical complaint on the merits and, thus, Leitzke’s continued litigation of his claims would appear to be duplicative and frivolous.”). It is not in the interests of justice to impose upon the Middle District of Alabama a doomed transfer

of yet another of Lietzke's lawsuits. This case will instead be dismissed without prejudice pursuant to Section 1406(a).

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1406(a).

2. The application to proceed *in forma pauperis* of plaintiff Bill Lietzke, (Dkt. 2), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 8, 2023

s/ Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge